

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Stephan Christopher Pleines

SERIAL NO.: 10/582,696

FILED: March 9, 2007

TITLE: IMPROVED FERTILITY
RESTORATION FOR OGURA
CYTOPLASMIC MALE STERILE
BRASSICA AND METHOD

GROUP ART UNIT: 1638

EXAMINER: Tox, David T.

ATTORNEY DOCKET NO: 70279USPCT

CONFIRMATION NO.: 7419

REPLY TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Election Requirement dated January 29, 2009 requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby elect to prosecute the invention of Group II, claims 12-19, 22-29, 31 and 40, drawn to a method for identifying a Brassica plant comprising a DNA fragment comprising a radish-derived restorer gene but not a high glucosinolate gene, said method comprising detecting molecular markers which are amplified by primers. This election is made without traverse.

Applicants reserve their statutory right under §121 to prosecute the subject matter of the non-elected inventions in a timely-filed application.

Applicants believe there is no fee due with this response. However, the Commissioner is hereby authorized to charge any fees deemed necessary, or credit any overpayment, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Syngenta Biotechnology, Inc.
3054 E. Cornwallis Road
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Respectfully submitted,

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Date: March 1, 2010